

REMARKS/ARGUMENTS

The Office Action of May 6, 2003, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

A response to this Office Action was due by August 6, 2003. Accordingly, Applicant is concurrently filing a Petition for a three month extension of time, together with authorization to charge the associated small entity Petition fee, as well as any other fees that may be required to maintain the pendency of this application, including any fees under 37 C.F.R. §1.16 and 1§.17, to Deposit Account No. 19-0733. Please consider this Response as timely filed.

Claims 1-4, 6-11, and 13-82 are pending in this application. Claims 9 and 38 are amended herein to change their dependencies. Claims 1-4, 7-10, 30-38, 69-72, 74-77 and 79 then are amended to recite that a portion of the font file is checked for corruption and, if corrupted, replaced by a portion of an uncorrupted font file.

In the Office Action, the Examiner objected to claim 38 for duplicating claim 11. Applicant respectfully traverses this objection, but courteously urges that it is overcome. Applicant has amended claim 38 herein to instead depend from claim 30. It is therefore requested that this objection be withdrawn.

Next, claim 9 was rejected under 35 U.S.C. §112, second paragraph, for depending from a canceled claim. Applicant respectfully traverses this rejection, but courteously points out that this rejection is now moot. Claim 9 is amended herein to depend from claim 1. Accordingly, Applicant respectfully asks that the rejection of this claim be withdrawn.

Claims 1-4, 6-11, 13, 16-27, 30-37, 41-44, 46-50, 52, 55-66 and 69-80 have been rejected under 35 U.S.C. §103 over "MS-DOS Batch File Programming, 2nd Edition" (hereafter referred to as "the MS-DOS document"). Similarly, claims 14, 15, 28, 29, 39, 40-54, 67, 68, 81 and 82 have been rejected under 35 U.S.C. §103 over "the MS-DOS document" in view of U.S. Patent Application No. 2002/0120648. Applicant respectfully traverses both of these rejections, and courteously asks for their reconsideration.

First, Applicant points out that both of these rejections rely heavily on the Examiner's Official Notice. Applicant respectfully traverses this reliance on Office Notice, and asks that the Examiner provide an affidavit of personal knowledge under §104(d)(2). For example, in reference to claim 8, the Examiner has taken Official Notice of the use of well-known credit cards. Applicant disputes, however, that "the art" is replete with examples of the charging. There is simply no evidence that "the art" of using a MS-DOS file compare command includes examples of charging, as suggested by the Examiner.

Next, with regard to claims 1-15, 30-40, and 69-82, Applicant has amended these claims herein to recite that a portion of a font file is compared with a portion of an uncorrupted font file. Applicant points out that this feature is not taught or suggested by the MS-DOS file compare command relied upon by the Examiner. Moreover, nothing in the "art" cited by the Examiner remedies this omission of the MS-DOS document.

Regarding claims 16-29, Applicant submits that the Examiner has improperly relied upon "Official Notice," as noted above. Moreover, the Examiner has provided no motivation or teaching in the art that would suggest combining charging a fee with checking a font file for corruption. Accordingly, Applicant submits that the rejection of these claims is improper.

With regard to claims 41-54, Applicant respectfully traverses to the Examiner's combination of the Ball application with the MS-DOS document. The portion of the Ball application relied upon by the Examiner relates to determining whether a CGI script generates an output. More particularly, this portion of the Ball application has no relevance to the timing of an execution of a command on a file. Accordingly, Applicant respectfully submits that the combination of the MS-DOS document with the Ball application is improper. It is therefore respectfully requested that the rejection of claims 41-54 be withdrawn.

Lastly, regarding claims 55-68, Applicant respectfully points out that these claims recite a comparison performed on a byte-by-byte basis. The Examiner has asserted that the binary comparison performed by the MS-DOS file compare command operates on a byte-by-byte basis, but the Examiner has provided no evidence to support this conclusion (as opposed to, e.g., making a comparison on a 16-bit or 32-bit word basis). Applicant therefore submits that the rejection of claims 55-68 is improper, and should be withdrawn.

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Amendment dated July 30, 2003
Reply to Office Action of April 1, 2003

In view of the above amendments and remarks, Applicant respectfully submits that all of the claims are allowable, and that this application is therefore in condition for allowance. Favorable action in this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

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